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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/027,754      | 12/21/2001  | Lucio Pieroni        | AA510               | 3766             |

27752 7590 01/05/2006

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| EXAMINER |
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SPISICH, MARK

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1744

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/027,754 | <b>Applicant(s)</b><br>PIERONI ET AL. |  |
|                              | <b>Examiner</b><br>Mark Spisich      | <b>Art Unit</b><br>1744               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9,12 and 18-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,12,18,20-32 and 34-36 is/are allowed.
- 6) ☒ Claim(s) 19,33 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 October 2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (USP 6,170,108) in view of Ferguson et al (USP 3,272,023). The patent to Knight discloses a hand-held scrubbing device (10) comprising a waterproof (column 2, lines 60-64) casing (33) having an interior enclosing a motor (column 3, lines 5-6), battery (38) and dispensing chamber (44) as well as an exterior surface with an orifice (46), dispensing activator (61) and a scrubbing surface (55) and further including a motor activator (43). With regard to the "width", the casing may be said to have a width at the grip portion (37) which is less than the width of the scrubbing surface. The patent to Knight fails only to disclose the particular motor activator. The patent to Ferguson

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discloses a hand-operated motor (18) driven device as well as a motor activator (23) in the form of a pushbutton switch wherein the switch is opened upon removal of digital pressure therefrom (column 3, lines 60-75). It would have been obvious to one of ordinary skill to have substituted any known motor switch known in the art for the one of Knight as they are art-recognized equivalents and in particular as a safety feature so the motor did not run when unintended.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (USP 6,170,108) and Ferguson et al (USP 3,272,023) as applied to claim 19 above, and further in view of Lanusse (USP 3,943,591). Depending on where the "width" is taken, the scrubber of Knight could be considered to be greater than (when the width is at the grip) of generally similar to (when the width is at the head (39) of the casing) the casing. The patent to Lanusse discloses the flaring of a scrubbing surface (44) such that the scrubbing surface is larger at a point distal to the base thereof. It would have been obvious to one of ordinary skill to have modified the scrubber of Knight as such to increase the effective surface area.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudray (USP 6,292,971) in view of Ferguson et al (USP 3,272,023) and Fry et al (USP 4,724,563). The patent to Chaudray discloses a hand-held scrubbing device (1) comprising a casing (2) housing a motor (8), chamber (5) and battery (14) and an exterior surface including an orifice (19), dispensing activator (6) and a scrubbing surface (4) having a width larger than that portion of the casing adjacent the scrubbing surface and further including a motor activator (7). The patent to Chaudray discloses

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the invention substantially as claimed with the exception of the particular motor activator and the casing being "waterproof". The provision of a waterproof casing is known and taught by Fry (see column 4, lines 25-26) and it would have been obvious to one of ordinary skill to have modified the device of Chaudray as such to minimize the chance of water damaging the contents of the casing. As mentioned above, the patent to Ferguson discloses a motor activator (23) as claimed and it would have been obvious to one of ordinary skill to have modified the device of Chaudray as such for the same reason(s) previously set forth.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudray (USP 6,292,971), Fry et al (USP 4,724,563) and Ferguson et al (USP 3,272,023) as applied to claim 19 above, and further in view of Henriquez et al (USP 5,649,334). The prior art, namely Chaudray, discloses the invention substantially as claimed with the exception of the water connection. The patent to Henriquez discloses a motor-powered cleaning device including a detergent chamber (75) as well as a water connection (18). It would have been obvious to one of ordinary skill to have provided such a feature to the device of Chaudray so that the user could selectively supply a diluted detergent.

***Allowable Subject Matter***

7. Claims 9,12,18,20-32 and 34-36 are allowed.

***Response to Arguments***

8. Applicant's arguments with respect to claims 19,33 and 37 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS